



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 878-01  
13 July 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CWO-3 [REDACTED], USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Feb 01 w/attachments  
(2) HQMC MMOA-4 memo dtd 14 May 01  
(3) HQMC MMPR e-mail dtd 12 Jul 01  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of chief warrant officer-3 (CWO-3) he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1999 CWO-3 Selection Board, vice the FY 2001 CWO-3 Selection Board. He specifically requested adjustment of his CWO-3 date of rank and effective date from 1 April 2001 to 15 December 1998. He also impliedly requested removal of his failure by the FY 1999 CWO-3 Selection Board.

2. The Board, consisting of Messrs. McCulloch and Tew and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 12 July 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Officer Counseling and Evaluation Section (MMOA-4) has commented to the effect that Petitioner's request has merit and warrants favorable action, except they recommended that his promotion be backdated to 1 August 1999, rather than the 15 December 1998 date he requested. In this regard, they stated that the HQMC Promotion Branch (MMPR) had

advised that 1 August 1999 is the date of rank and effective date he would have received, had he been promoted pursuant to selection by the FY 1999 CWO-3 Selection Board.

c. In enclosure (3), HQMC MMPR advised that 15 December 1998, rather than 1 August 1999, is actually the date of rank and effective date Petitioner would have received had he been promoted pursuant to selection by the FY 1999 CWO-3 Selection Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's record be corrected by removing his failure of selection by the FY 1999 CWO-3 Selection Board.

b. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO-3 as 15 December 1998, rather than 1 April 2001; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

478-01  
IN REPLY REFER TO:  
1600  
MMAA-4  
14 May 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case  
of Chief Warrant Officer [REDACTED]  
[REDACTED] USMC of 21 Mar 01

Encl: (1) CWC [REDACTED] Addendum Letter dtd 010502

1. Recommend approval of Chief Warrant Officer [REDACTED] request for backdating of his date of rank.
2. Per reference (a), we reviewed Chief Warrant Officer 3 [REDACTED] record and petition. He failed selection on the FY99 USMC Chief Warrant Officer Selection Board. His petition states that the Annual fitness report of 960201 to 970331 was missing from his OMPF when the FY99 Board convened which resulted in his failure of selection. Subsequently, he was selected to Chief Warrant Officer 3 on the FY01 Board. Chief Warrant Officer [REDACTED] requests backdating of his date of rank.
3. Chief Warrant Officer [REDACTED] record is competitive with numerous laudatory comments and recommendations for promotion. Though normally one factor does not result in a failure of selection, the fourteen-month date gap caused by the missing fitness report more than likely contributed to his failure of selection. Per Enclosure (1), he attempted to audit his record but did not receive his Master Brief sheet until two days after the FY99 Board convened. He immediately contacted his Reporting Senior that day and was informed that the report would be hand carried to Promotions Branch. Due to the fact that the Material Update Log does not list the Annual fitness report of 960201 to 970331, the report did not go before the Board.

4. In our opinion, the fourteen-month date gap contributed to Chief Warrant Officer [REDACTED] failure of selection. We believe Chief Warrant Officer [REDACTED] should be afforded the benefit of the doubt and have his failure of selection removed.

5. If approved, he should be backdated to the date of rank he would have been assigned had the FY99 Board selected him, 990801, as determined by Promotion Branch (MMPR).

6. Point of Contact is [REDACTED] at [REDACTED]

[REDACTED]

Major, U.S. Marine Corps  
Officer Counseling and Evaluation  
Section  
Officer Assignment Branch  
Personnel Management Division

George, Brian J

From: [redacted]@manpower.usmc.mil]
Sent: Thursday, July 12, 2001 7:21 AM
To: [redacted] (E-mail)
Subject: FW: BACKDATED - DOR

Sir,

Good day. We were provided the wrong DOR on a BCNR package that we responded to. In the case of [redacted] we said that if his DOR request was approved the date would be 990801. The correct date should be 981215. We did some more research and found the below to be true.

v/r
Capt Holt

> -----Original Message-----

> From: [redacted]
> Sent: Wednesday, July 11, 2001 2:54 PM
> To: Holt [redacted]
> Cc: Bickford [redacted]
> Subject: BACKDATED - DOR

> Sir,
>
> !! GREETINGS from California !! This is a follow-up to our phone
> call.

> I submitted a package to BCNR requesting backdated date of rank. Major
> [redacted] letter recommending approval to BCNR (lrt dtd 14 May 01). In
> letter he indicated that if approved, date of rank would have been 990801.
> In phone conversation with [redacted] he indicated that your office
> provided that date.

> I contend that if approved my date of rank would have been 981215 vice
> 990801. I base this on the fact that there were seven (7) immediate
> vacancy positions in my MOS of 3302 at the time the FY99 CWO promotion
> board met.

> Five (5) of the individuals selected by that board were promoted on
> 981215, my original date of rank for CWO2 was the same as those
> individuals. Thus I would have been promoted at that time along with my
> peers. The remaining two (2) individuals selected by that board did not
> have the requisite three (3) years time in grade at the time. Thus they
> were not promoted until 990801, that is when they reached the three year
> time in grade requirement for promotion to next rank. This required time
> requirement in fact created a vacancy in billet of CWO3 from 981215 until
> 990801.

> While I was lineally junior to the first five individuals promoted on
> 981215, I did in fact have the requisite time in grade and also would have
> been promoted at that time, vice waiting until 990801.

> I respectfully request this matter be researched. If found to be correct,
> I also request that notification be given to the BCNR. My personnel
> information follows:

> [redacted]

- > BCNR Docket No: 878-01
- >
- > Thank you for your time and assistance on this issue. I look forward to
- > hearing your response.
- >
- >
- > R/S
- > [REDACTED]
- > CWO3 USMC